

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Jessica Michelle Brown,

Petitioner

v.

State of Nevada, *et al.*,

Respondents

Case No. 2:23-00183-CDS-EJY

ORDER

This habeas matter is before the court on petitioner Jessica Michelle Brown's failure to comply with my previous order (ECF No. 3).

Petitioner initiated this case by submitting a Petition for Writ of Habeas Corpus (ECF No. 1-1) in February 2023, but she did not pay the five dollar (\$5.00) habeas filing fee or file an complete application to proceed *in forma pauperis* ("IFP") for incarcerated litigants. *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On February 24, 2023, I ordered petitioner to either pay the \$5 filing fee or submit a complete IFP application with all required attachments within 45 days. (ECF No. 3.) Petitioner was warned that a failure to comply by (a) submitting a complete IFP application, or (b) paying the filing fee would result in the dismissal of this action without prejudice and without further advance notice. *Id.* The deadline expired on April 10, 2023.

To date, petitioner has not filed a completed IFP application or paid the \$5 filing fee. Petitioner, however, filed a letter stating that she "was sent 2 copies of a forma pauperis [sic]," and appears to indicate that the exact instruction order was not included. Accordingly, Petitioner will have an additional 30 days to either pay the \$5 filing fee or submit a complete IFP application with all required attachments.

Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates poverty through an IFP application. A prisoner's IFP application must be submitted on the court's form

1 and include specific financial information: (1) a copy of the prisoner's account statement for the  
2 six-month period prior to filing, (2) a financial certificate signed by the prisoner *and* an  
3 authorized prison official, and (3) the prisoner's financial acknowledgement confirming under  
4 the penalty of perjury that the financial information is true. 28 U.S.C. § 1915; LSR 1-1, LSR 1-2.

5 It is therefore ordered that petitioner Jessica Michelle Brown must file a complete IFP  
6 application within 30 days from the date of this order which must include: (i) a financial  
7 certificate signed by petitioner *and* an authorized prison official, (ii) petitioner's financial  
8 affidavit and acknowledgement, and (iii) a statement of petitioner's inmate trust account for the  
9 six-month period prior to filing. Alternatively, petitioner must pay the \$5 filing fee within 30  
10 days from the date of this order.

11 The Clerk of the Court shall send petitioner a blank IFP application for an inmate and  
12 instructions for the same.

13 The initial screening of petitioner's petition under the Rules Governing Section 2254  
14 Cases in the United States District Courts is deferred to until such time as she has fully  
15 complied with this order.

16 Petitioner's failure to comply with this order by submitting a completed IFP application  
17 with the required documents, or paying the filing fee, before the deadline will result in the  
18 dismissal of the petition without prejudice and without further advance notice.

19 DATED: May 1, 2023

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23 UNITED STATES DISTRICT JUDGE  
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